

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARL ORLANDO, JR., on behalf of himself and others  
similarly situated,

15-CV-09434 (RJS)

Plaintiff,  
-against-

LIBERTY ASHES, INC., FRANCESCO BELLINO,  
MICHAEL BELLINO, JR., STEPHEN BELLINO and  
MICHAEL BELLINO,

Defendants.

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**DEFENDANTS' NOTICE OF MOTION to COMPEL ARBITRATION and DISMISS  
THE COMPLAINT OR STAY THE ACTION PENDING ARBITRATION**

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Christopher Smith dated May 23, 2018 and the exhibits annexed thereto, the Declaration of Francesco Bellino dated May 24, 2018, the Memorandum of Law in Support of Defendants' Motion to Compel Arbitration, dated May 25, 2018, and all prior papers, pleadings and proceedings herein, an application will be made to this Court before the Honorable Richard J. Sullivan, United States District Judge, in the United States District Court, Southern District of New York located at 40 Foley Square, Courtroom 905, New York, New York 10007 at a date and time to be set by the Court for an Order and Judgment, pursuant to 9 U.S.C. §§ 3, 4 compelling Plaintiffs and any putative Plaintiff to proceed with arbitration of the instant dispute on an individualized basis, and either dismissing this action or staying the action pending the conclusion of any arbitration filed by any Plaintiff or putative Plaintiff or Opt-In Plaintiff; (b) awarding Defendants the costs, disbursements and attorneys' fees of this motion and action; and (c) for such other relief the Court deems proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Minute Entry for pre-motion proceedings held before Judge Richard J. Sullivan on April 25, 2018, opposition papers to this

motion, if any, shall be filed on or before June 25, 2018 and reply papers to this motion, if any, shall be served on or before July 9, 2018.

Dated: White Plains, New York  
May 25, 2018

Yours, etc.,

TRIVELLA & FORTE, LLP

\_\_\_\_\_*/s/Christopher Smith*\_\_\_\_\_  
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